

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

Applicant: Banbury et al. Atty. Docket No. RPS6113-US

Serial No.: 10/534,117 Examiner: unassigned

Filing Date: May 5, 2005 Art Unit: unassigned

Corresponding PCT Application No.: PCT/US03/34934

Corresponding PCT Filing Date: 11/03/2003

Confirmation No. 2448

Entitled: IMPROVED FORMULATIONS CONTAINING SUBSTITUTED IMIDAZOLE DERVIATIVES

## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10(A)

Date of Deposit: 10/6/05

I hereby certify that this correspondence is being deposited with the U.S. Postal Service, as U.S. Express Mail No. EV700357801 in an envelope addressed to the Commissioner for Patents, MAIL STOP - MISSING PARTS (FEE), P.O. Box 1450, Alexandria, Virginia 22212-3513.

  
Jennifer WarnerRESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

In response to the Notification of Missing Requirements mailed August 2, 2005, Applicants submit the enclosed Oath and Declaration documents signed by each of the named inventors in the instant application. A Fee Transmittal sheet, in duplicate, is enclosed authorizing the Commissioner to withdraw the funds associated with the filing of this Response and a one month extension of time to Applicants' representative's Deposit Account.

Applicants wish to address the Notification mailed, copy enclosed, which indicates, in part, the receipt of the following items:

Indication of Small Entity Status  
Small Entity Statement filed on 5/05/2005

Applicants did not submit these items in the correspondence of May 5, 2005. Applicant is not a small entity but rather, claims large entity status. Therefore, these items should not be made part of the above file.

As the missing requirements have been satisfied with the filing of the signed Oath and Declaration, this application should now proceed to examination.

Respectfully submitted,

By:

 Donald O. Nickey Oct 6, 2005  
Donald O. Nickey, Reg. No. 29,092

Attorney for Applicants

Cardinal Health, Inc.

7000 Cardinal Place

Dublin, Ohio 43017

Telephone: (614) 757-5542

Facsimile: (614) 757-2243

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

130.00

## Complete if Known

|                      |               |
|----------------------|---------------|
| Application Number   | 10/534,117    |
| Filing Date          | May 5, 2005   |
| First Named Inventor | Susan Banbury |
| Examiner Name        | unassigned    |
| Art Unit             | unassigned    |
| Attorney Docket No.  | RPS6113-US    |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

 Deposit Account Deposit Account Number: 50-0256 Deposit Account Name: Cardinal Health, Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES |              | SEARCH FEES |              | EXAMINATION FEES |              | Fees Paid (\$) |
|------------------|-------------|--------------|-------------|--------------|------------------|--------------|----------------|
|                  | Fee (\$)    | Small Entity | Fee (\$)    | Small Entity | Fee (\$)         | Small Entity |                |
| Utility          | 300         | 150          | 500         | 250          | 200              | 100          |                |
| Design           | 200         | 100          | 100         | 50           | 130              | 65           |                |
| Plant            | 200         | 100          | 300         | 150          | 160              | 80           |                |
| Reissue          | 300         | 150          | 500         | 250          | 600              | 300          |                |
| Provisional      | 200         | 100          | 0           | 0            | 0                | 0            |                |

## 2. EXCESS CLAIM FEES

| Fee Description                                    | Small Entity |
|--|--------------|
| Each claim over 20 (including Reissues)            | 50 25        |
| Each independent claim over 3 (including Reissues) | 200 100      |
| Multiple dependent claims                          | 360 180      |

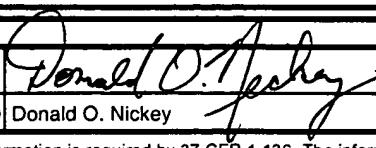
| Total Claims  | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims |
|---|--------------|----------|---------------|---------------------------|
| - 20 or HP =  | x            | =        |               | Fee (\$)                  |
| HP = highest number of total claims paid for, if greater than 20. |              |          |               | Fee (\$)                  |

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | 10/17/2005 GFREY1 00000139 500256 10534117                             |
|---------------|--------------|----------|---------------|--|
| - 3 or HP =   | x            | =        |               | HP = highest number of independent claims paid for, if greater than 3. |

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| - 100 =      | / 50 =       | (round up to a whole number) x                   | =        |               |

| 4. OTHER FEE(S)   | Fees Paid (\$) |
|---|----------------|
| Non-English Specification, \$130 fee (no small entity discount)                       |                |
| Other (e.g., late filing surcharge): Response to Notification of Missing Requirements | 130.00         |

## SUBMITTED BY

|                   |   |   |                        |
|-------------------|---|---|------------------------|
| Signature         |  | Registration No.<br>(Attorney/Agent) 29,092 | Telephone 614-757-5542 |
| Name (Print/Type) | Donald O. Nickey  |   | Date October 6, 2005   |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

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|                               |                       |                  |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO.   | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/534,117                    | Susan Banbury         | RPS6113-US       |
| INTERNATIONAL APPLICATION NO. |                       |                  |
| PCT/US03/34934                |                       |                  |
| I.A. FILING DATE              | PRIORITY DATE         |                  |
| 11/03/2003                    |                       |                  |
| CONFIRMATION NO. 2448         |                       |                  |
| 371 FORMALITIES LETTER        |                       |                  |
|                               |                       |                  |
| *OC000000016665947*           |                       |                  |

Date Mailed: 08/02/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/05/2005
- Copy of the International Search Report filed on 05/05/2005
- Copy of IPE Report filed on 05/05/2005
- Preliminary Amendments filed on 05/05/2005
- Oath or Declaration filed on 05/05/2005
- Small Entity Statement filed on 05/05/2005
- U.S. Basic National Fees filed on 05/05/2005
- Power of Attorney filed on 05/05/2005

*address in response*

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

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Telephone: (703) 308-9140 EXT 204

**PART 1 - ATTORNEY/APPLICANT COPY**

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| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/534,117                  | PCT/US03/34934                | RPS6113-US       |

FORM PCT/DO/EO/905 (371 Formalities Notice)